

FEDERAL REGISTER

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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1938 CROP OF FLORIDA SUGARCANE

Whereas Section 301 (d) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

"That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing;" and

Whereas the Secretary of Agriculture, on June 3, 1938, held a public hearing in Clewiston, Florida, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1938 crop of Florida sugarcane;

Now, therefore, I, M. L. Wilson, Acting Secretary of Agriculture, after investigation and consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby determine, with respect to the requirements of Section 301 (d) of the Sugar Act of 1937, fair and reasonable prices for the 1938 crop of Florida sugarcane to be paid by processors, who as producers, apply for payments under the said Act, to be not less than the prices set forth in the Standard Florida Sugarcane Purchase Contract with cooperative participation supplement now used by the United States Sugar Corporation: *Provided, however, That, when 10 cc. of the crusher juice of any sugarcane are titrated against a N/10 solution*

of NaOH, using phenolphthalein as an indicator, and it requires more than 2.25 cc. of N/10 NaOH to neutralize the acidity in the crusher juice, a deduction may be made in settlement, based upon decreased boiling house efficiency, at a rate not in excess of 3.775 per centum of the payment herein provided for for each .25 cc. of acidity above 2.25 cc., but not in excess of 4.50 cc. (intervening fractions computed to the nearest multiple of .05 cc.).

Done at Washington, D. C., this 17th day of October, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 38-3077; Filed, October 17, 1938;
4:04 p. m.]

DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE TERRITORY OF HAWAII FOR THE 1938 SUGAR CROP

Pursuant to the provisions of Section 302 (a) of the Sugar Act of 1937, I, M. L. Wilson, Acting Secretary of Agriculture, do hereby determine that the proportionate share for each farm in the Territory of Hawaii for the 1938 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on each farm and marketed (or processed by the producer) for the extraction of sugar during the calendar year 1938.

Done at Washington, D. C. this 17th day of October 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] M. L. WILSON,
Acting Secretary.

[F. R. Doc. 38-3076; Filed, October 17, 1938;
4:04 p. m.]

DETERMINATION OF FAIR AND REASONABLE PRICES FOR THE 1938 CROP OF HAWAIIAN SUGARCANE

Whereas Section 301 (d) of the Sugar Act of 1937, approved September 1, 1937, provides, as one of the conditions for

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payment to producers of sugar beets and sugarcane, as follows:

"That the producer on the farm who is also, directly or indirectly, a processor of sugar beets or sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugar beets or sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing"; and

Whereas the Secretary of Agriculture, pursuant to a notice of hearing, dated February 28, 1938, held public hearings in the Territory of Hawaii for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable prices for the 1938 crop of Hawaiian sugarcane;

Now, therefore, I, M. L. Wilson, Acting Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby determine that the prices for the 1938 crop of sugarcane heretofore agreed upon between the several processors in Hawaii and producers of such sugarcane are fair and reasonable.

Done at Washington, D. C., this 17th day of October, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 38-3078; Filed, October 17, 1938;
4:04 p. m.]

TITLE 16—COMMERCIAL PRACTICES

FEDERAL TRADE COMMISSION

[Docket No. 3493]

IN THE MATTER OF NEWARK FELT NOVELTY COMPANY

SEC. 3.69 (b) (9) *Misrepresenting oneself and goods—Goods—Old, second-hand or reconstructed as new.*—Representing that hats and novelty hats and caps made in whole or in part from second-hand old and used materials are new or are composed of new materials, by failure to affix tags or labels thereto clearly and conspicuously showing actual composition of products, or by any other means or device, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Newark Felt Novelty Company, Docket 3493, October 12, 1938.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

IN THE MATTER OF FRANK SHAPIRO, INDIVIDUALLY, AND DOING BUSINESS AS NEWARK FELT NOVELTY COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent, Frank Shapiro, individually, and doing business as Newark Felt Novelty Company, or under any other trade name, his repre-

sentatives, agents and employees, successors or assigns, in connection with offering for sale, sale and distribution of hats and novelty hats and caps in interstate commerce or in the District of Columbia, do forthwith cease and desist from representing that hats and novelty hats and caps made in whole or in part from second-hand old and used materials are new or are composed of new materials, by failure to affix tags or labels thereto, clearly and conspicuously showing that such hats and novelty hats and caps are composed in whole or in part, of second-hand old and used materials, or by any other means or device.

It is further ordered, That the respondent shall, within thirty (30) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3082; Filed, October 18, 1938;
10:11 a. m.]

[Docket No. 3518]

IN THE MATTER OF LANCASTER SALTED NUT COMPANY

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.*—Selling, etc., salted nuts or any other products so packed, etc., that sales thereof to general public are to be, or may be, made by means of a lottery, etc., as specified, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Lancaster Salted Nut Company, Docket 3518, October 12, 1938.]

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.*—Supplying, etc., to dealers assortments of salted nuts or any other products which are to be, or may be, used, without alteration, etc., to conduct a lottery, etc., in the sale, etc., of said products to the general public, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Lancaster Salted Nut Company, Docket 3518, October 12, 1938.]

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.*—Supplying, etc., to dealers assortments of salted nuts or any other products, together with a punch board, or any other lottery device for use, or which may be used, in distributing, etc., said products to the general public at retail, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Lancaster Salted Nut Company, Docket 3518, October 12, 1938.]

SEC. 3.99 (b) *Using or selling lottery devices—In merchandising.*—Furnishing to dealers a punch board or any other lottery device, either with packages or assortments of salted nuts or any other products, or separately, which punch board, etc., is to be used, or may be used, in distributing, etc., said products to the general public, prohibited. (Sec. 5b, 52

Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Lancaster Salted Nut Company, Docket 3518, October 12, 1938.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

IN THE MATTER OF CLAIR C. HERR, INDIVIDUALLY AND TRADING AS LANCASTER SALTED NUT COMPANY

ORDER TO CEASE AND DESIST

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent in which answer respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Clair C. Herr, individually and trading as Lancaster Salted Nut Company or under any other name, his agents, representatives, and employees in connection with the offering for sale, sale and distribution of salted nuts or any other products in interstate commerce or in the District of Columbia do forthwith cease and desist from:

(1) Selling and distributing salted nuts or any other products so packed and assembled that sales of such salted nuts or other products to the general public are to be made or may be made by means of a lottery, gaming device or gift enterprise.

(2) Supplying to or placing in the hands of dealers assortments of salted nuts or any other products which are to be used or which may be used without alteration or rearrangement of the contents of such assortments to conduct a lottery, gaming device or gift enterprise in the sale or distribution of the salted nuts or other products contained in said assortments to the general public.

(3) Supplying to or placing in the hands of dealers assortments of salted nuts or any other products, together with a device commonly called a punch board, or any other lottery device for use or which may be used in distributing or selling the said salted nuts or other products to the general public at retail.

(4) Furnishing to dealers a device commonly called a punch board or any other lottery device, either with packages or assortments of salted nuts or any other products, or separately, which punch board or other lottery device is to be used or may be used in distributing or selling said salted nuts or other products to the general public.

It is further ordered, That the said respondent shall within sixty (60) days from the date of the service of this order upon him file with the Commission a report in writing setting forth in detail the manner and form in which he has complied therewith.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3083; Filed, October 18, 1938;
10:11 a. m.]

TITLE 19—CUSTOMS DUTIES

BUREAU OF CUSTOMS

[T. D. 49734]

**PROTEST FILED AGAINST LIQUIDATION OF
AN ENTRY COVERING COAL FROM RUSSIA**

COLLECTORS OF CUSTOMS INSTRUCTED TO
SUSPEND LIQUIDATION OF THE ENTRIES
INVOLVED

*To Collectors of Customs and Others
Concerned:*

Reference is made to T. D. 49547, approved May 2, 1938, published in the weekly Treasury Decisions, Vol. 73, No. 19, of May 12, 1938, proclaiming the classification of and rate of duty imposed upon coal of the kind described in said treasury decision.

Publication of the above-mentioned decision was occasioned by a complaint with respect to the classification of and rate of duty imposed upon the merchandise described in T. D. 49547, filed under section 516 (b) of the Tariff Act of 1930 (U. S. C. title 19, sec. 1516 (b)) by the Hudson Coal Company, an American producer of such merchandise.

Notice of a desire to protest having been filed with the Secretary of the Treasury and a protest having been filed with the collector of customs, Providence, R. I. (No. 629), against the liquidation on September 19, 1938, of consumption entry 010 of August 2, 1938, in form and substance as in the statute provided, pending the decision of the United States Customs Court on the protest in question collectors of customs will suspend liquidation of all unliquidated entries covering coal of the kind described in T. D. 49547, imported or withdrawn from warehouse after the expiration of 30 days after the publication of T. D. 49547, and will comply in all respects, in connection with the liquidation or reliquidation of entries of such merchandise, with the provisions of section 516 (b) of the Tariff Act of 1930.

See T. D. 49674 dated August 10, 1938.

[SEAL] JAMES H. MOYLE,
Commissioner of Customs.

Approved: October 15, 1938.

STEPHEN B. GIBBONS,
Acting Secretary of the Treasury.

[F. R. Doc. 38-3084; Filed, October 18, 1938;
10:11 a. m.]

13 F. R. 1068 DI.

TITLE 24—HOUSING CREDIT

**FEDERAL HOUSING
ADMINISTRATION**

AMENDMENTS TO ADMINISTRATIVE RULES
AND REGULATIONS FOR MULTIFAMILY AND
GROUP HOUSING INSURANCE UNDER SEC-
TION 207 OF TITLE II OF THE NATIONAL
HOUSING ACT

Paragraph 1 of Section I of said Administrative Rules, as amended, is hereby amended to read as follows:

"1. Information required for preliminary examination of a Rental Housing project under Section 207 shall be submitted by a mortgagee or by the sponsors of such project through the local Federal Housing Administration office on FHA Form 2013, executed in triplicate. No application will be considered unless the exhibits called for by that form are furnished. The submission of Form 2013 will be deemed to be the applicant's agreement to pay in accordance with the provisions of this section and on account of the costs of appraisal and inspection by the Administrator, the following sums:

(a) One dollar and fifty cents per thousand of the face amount of the mortgage loan applied for (referred to as "Application Fee") upon submission of application, and

(b) A sum (referred to as "Commitment Fee") which when added to the Application Fee will aggregate \$3.00 per thousand of the face amount of the mortgage loan approved for insurance by the Administrator, and which shall be paid at the time of delivery of the commitment letter.

However, in case of a Public Housing project, the fee to be paid under this Paragraph shall be fixed by the Administrator, but shall not exceed \$3.00 per thousand of the original face amount of the mortgage.

If the Administrator shall issue a commitment as herein provided and the commitment fee shall not be paid and delivery accepted by the applicant within the period of time specified in the commitment letter, such commitment shall, unless the period for such payment be specifically extended, be considered void and of no effect. If an application to increase the amount of the insured mortgage is presented after commitment, a new application fee based upon the amount of such increase must be paid at the time the application for such increase is filed which payment will be subject to adjustment as above provided in accordance with the amount of the increase approved by the Administrator. If the amount of the insured mortgage is increased after insurance either by amendment or by the substitution of a new insured mortgage, the fees herein provided for shall be based upon the amount of such increase.

13 F. R. 426 DI.

If an application is rejected upon preliminary examination as determined by the Administrator the application fee will be returned to the applicant. Otherwise fees paid as above provided shall not be returned.

The first sentence of paragraph 10 of Section II of said Administrative Rules,¹ as amended, is hereby amended to read as follows:

"10. The mortgage shall provide for payments by the mortgagor to the mortgagee on each interest payment date of an amount sufficient to accumulate in the hands of the mortgagee one payment period prior to its due date, the next annual mortgage insurance premium payable by the mortgagee to the Administrator." * * *

Issued at Washington, D. C., this 8th day of October, 1938, and effective immediately.

[SEAL] STEWART McDONALD,
Federal Housing Administrator.

[F. R. Doc. 38-3075; Filed, October 17, 1938;
2:17 p. m.]

TITLE 29—LABOR WAGE AND HOUR DIVISION

[Part 521]

REGULATIONS APPLICABLE TO EMPLOYMENT OF APPRENTICES PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT¹

SECTION 521.90—TEMPORARY CERTIFICATE OF EXEMPTION DURING PERIOD BEFORE NORMAL PROCEDURE IS IN FULL OPERATION*

The following regulation—Section 521.90—is hereby issued. Said Regulation—Section 521.90—shall become effective upon my signing the original and upon the publication thereof in the Federal Register and shall be in force and effect until repealed by regulations hereafter made and published by me.

Signed at Washington, D. C., this 18th day of October, 1938.

ELMER F. ANDREWS,
Administrator.

Section 521.90 Temporary Certificate of Exemption During Period Before Normal Procedure Is in Full Operation

From October 24, 1938, to February 1, 1939, this regulation shall be deemed to be a certificate authorizing employers to employ apprentices at wage rates less than the minimum rates applicable under Section 6 of the Fair Labor Standards Act of 1938, subject to the following conditions:

(a) The employee must be an apprentice as defined in Section 521.1.

(b) He must be covered by a written apprenticeship agreement conforming to the description in Section 521.1.

(c) He must be employed at a rate not less than that specified in said apprenticeship agreement.

Formal applications for the appointment of apprentices must be forwarded to the Administrator as soon as possible in accordance with the routine procedure set forth in Part 521. If a special certificate is issued on the basis of such application, it will forthwith supersede the temporary certificate provided by this Section. If any such application is denied, prior to February 1, 1939, the temporary exemption, as to the named apprentice will become inoperative immediately upon notice to the employer of such denial.*

[F. R. Doc. 38-3079; Filed, October 18, 1938;
9:36 a. m.]

[Part 524]

REGULATIONS APPLICABLE TO EMPLOYMENT OF HANDICAPPED PERSONS PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT¹

SECTION 524.90—TEMPORARY CERTIFICATE OF EXEMPTION DURING PERIOD BEFORE NORMAL PROCEDURE IS IN FULL OPERATION*

The following regulation—Section 524.90—is hereby issued. Said Regulation—Section 524.90—shall become effective upon my signing the original and upon the publication thereof in the Federal Register and shall be in force and effect until repealed by regulations hereafter made and published by me.

Signed at Washington, D. C., this 18th day of October, 1938.

ELMER F. ANDREWS,
Administrator.

Section 524.90 Temporary Certificate of Exemption During Period Before Normal Procedure Is in Full Operation

From October 24, 1938, to February 1, 1939, this regulation shall be deemed to be a certificate authorizing employers to continue in their employ handicapped workers at wage rates less than the minimum rates applicable under Section 6 of the Fair Labor Standards Act, subject to the following conditions:

(a) The earning capacity of the employee for the particular position held by him must be, or must honestly be believed by the employer to be, substantially impaired by age or physical or mental deficiency or injury.

(b) Such handicapped worker must have been employed by the employer on or before October 17, 1938, at a rate less than the normal minimum rate prescribed in Section 6 of the Act.

(c) If the employer had in his employ on October 17 any non-handicapped

worker or workers similarly employed, the handicapped worker must have been employed at that date at a rate less than the rate paid to such non-handicapped workers.

(d) In no event shall the wage paid to the handicapped employee during this period of temporary exemption be at a rate less than 75 per cent of the normal minimum rate applicable under Section 6 of the Act.

(e) For the purposes of this regulation no alleged handicapped worker shall be temporarily exempted if, prior to October 17, 1938, more than 5 per cent of the workers were employed by the employer to perform similar work at the same rate of pay as that received by such alleged handicapped worker; provided, that this limitation shall not apply in the case of employment by non-profit or semi-charitable organizations.

(f) The temporary exemption herein provided shall terminate on December 1, 1938, as to any particular employee claimed to be handicapped, unless prior to that date the Administrator shall have received an application for exemption as prescribed in Part 524, Title 29, Chapter V, Regulations Applicable to Handicapped Persons. If a special certificate is issued on the basis of such application, it will supersede the temporary certificate provided by this Section. If any such application is denied, prior to February 1, 1939, the temporary exemption, as to the named employee, will become inoperative immediately upon notice to the employer of such denial.

[F. R. Doc. 38-3080; Filed, October 18, 1938;
9:36 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Docket No. 361-PD]

ORDER IN THE MATTER OF THE APPLICATION OF THE MIDDLE STATES FUELS, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

At a session of the National Bituminous Coal Commission held at its office in Washington, D. C. on the 17th day of October, 1938.

It appearing that the above-named applicant, Middle States Fuels, Incorporated, a Delaware corporation authorized to engage in business in the State of Illinois, filed its application for provisional approval as a marketing agency on the 8th day of July, 1938, pursuant to Order No. 6 of the Commission,¹ and the matter being assigned to Trial Examiner Tilman B. Cantrell, and proper notice having been given,² the same came on for hearing before the said Examiner on the 1st

¹ 3 F. R. 427 DI.

² 3 F. R. 2463 DI.

* Section 521.90 issued under the authority contained in Section 14, 52 Stat. 1060.

¹ 3 F. R. 2485 DI.

* Section 524.90 issued under the authority contained in Sec. 14, 52 Stat. 1060.

² 2 F. R. 1078 (1287 DI).

³ 3 F. R. 1830 DI.

day of August, 1938, and at said hearing the applicant having duly appeared and representatives of the Legal Division of the Commission and of the Consumers' Counsel having entered their respective appearances therein, the evidence was adduced; and

It further appearing that the Trial Examiner having received said evidence, did, on the 27th day of August, 1938, file, with the Commission, his report and proposed findings of fact, together with his recommendations that said application be granted, and it appearing that true copies of said report and proposed findings of fact of the Examiner were duly served upon all parties appearing at said hearing, on the 29th day of August, 1938, and more than fifteen days having elapsed since the service of said report, no exceptions have been filed thereto; and

The Commission having considered the application, the Report, the Proposed Findings of Fact, and Recommendation of the Examiner, and being fully advised of the evidence as the same is contained in the official transcript thereof finds that the "Findings of Fact" as proposed by the Examiner are in all respects true and correct, and are hereby adopted as the findings of the Commission.

Now, therefore, Pursuant to the provisions of the Bituminous Coal Act of 1937 the National Bituminous Coal Commission hereby orders:

That the application of the Middle States Fuels, Incorporated, for provisional approval as a marketing agency be and the same is hereby granted and the said Middle States Fuels, Incorporated, be and the same is hereby considered to be a marketing agency and provisionally approved as such within the purview of Section 12 of the Bituminous Coal Act of 1937 until further order of the Commission.

By order of the Commission.

Dated this 17th day of October, 1938.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[P. R. Doc. 38-3090; Filed, October 18, 1938;
12:50 p. m.]

[Docket 501-FD]

ORDER IN THE MATTER OF THE APPLICATION OF THE ALLEGHENY COUNTY INSTITUTION DISTRICT FOR EXEMPTION FROM THE PROVISIONS OF SECTION 4 OF THE BITUMINOUS COAL ACT OF 1937, FILED UNDER PROVISIONS CONTAINED IN THE SECOND PARAGRAPH OF SECTION 4-A OF THE ACT

At a regular session of the National Bituminous Coal Commission Held at its Offices in Washington, D. C., on the 17th day of October 1938.

It appearing, that pursuant to the provisions of an Act of Congress approved April 26, 1937, entitled "An Act to regulate interstate commerce in bi-

bituminous coal and for other purposes" (Public No. 48, 75th Cong. 1st sess.), known as the Bituminous Coal Act of 1937, applicant, Allegheny County Institution District, on the 13th day of August, 1938, forwarded to the Commission its application for exemption seeking to avail itself of the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 insofar as the same relates to the bituminous coal alleged to be produced and consumed by it, or produced and transported to itself for consumption by it, in the manufacture of heat, light and power used in the operation of the buildings of the Allegheny County Institution District which application was filed by virtue of the provisions contained in the second paragraph of Section 4-A of the Act; and

It further appearing, after considering the allegations made in the verified application of the Allegheny County Institution District, that applicant is a corporation, a political sub-division of the Commonwealth of Pennsylvania, being the Poor District of the County of Allegheny, exclusive of the City of Pittsburgh; that applicant is the owner and producer of bituminous coal from a mine located in Collier Township, Allegheny County, Pennsylvania; that all the bituminous coal produced at such mine is consumed by applicant in the manufacture of heat, light and power used in the operation of the buildings of the Allegheny County Institution District;

Now, therefore, it is hereby ordered:

That the provisions of Section 4 Part II (1) of the Bituminous Coal Act of 1937 do apply to the bituminous coal produced by the Allegheny County Institution District at its mine located in Collier Township, Allegheny County, Pennsylvania, which is consumed by the Allegheny County Institution District in the manufacture of heat, light and power used in the operation of the buildings of the Allegheny County Institution District, and such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937.

Within fifteen (15) days from the date of this Order all interested parties are afforded the opportunity of filing a protest to this determination requesting a hearing on the application and protest. If no such protest be filed, this Order shall become effective fifteen (15) days from this date.

Applicant shall apply annually hereafter, and at such other times as the Commission may require, for renewal of this Order, and applicant shall file such accompanying reports as will enable the Commission to determine whether the facts as found in this Order continue to exist.

The Secretary of the Commission is directed forthwith to mail a copy of this Order to the applicant, to the Consumers' Counsel, and to the Secretary of each District Board; and shall cause a copy hereof to be filed and made available for inspection at each of the

Statistical Bureaus of the Commission; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 17th day of October, 1938.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[P. R. Doc. 38-3091; Filed, October 18, 1938;
12:50 p. m.]

[Docket 487-FD]

ORDER IN THE MATTER OF THE APPLICATION OF WESTMORELAND BRICK COMPANY, FOR EXEMPTION FROM THE PROVISIONS OF SECTION 4 OF THE BITUMINOUS COAL ACT OF 1937, FILED UNDER PROVISIONS CONTAINED IN THE SECOND PARAGRAPH OF SECTION 4-A OF THE ACT

At a regular session of the National Bituminous Coal Commission Held at its Offices in Washington, D. C., on the 17th day of October 1938.

It appearing, that pursuant to the provisions of an Act of Congress approved April 26, 1937, entitled "An Act to regulate interstate commerce in bituminous coal and for other purposes" (Public No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, applicant, Westmoreland Brick Company, on the 17th day of June, 1938, filed with the Commission its application for exemption seeking to avail itself of the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 in so far as the same relates to the bituminous coal alleged to be produced and consumed by it, or produced and transported to itself for consumption by it, in the manufacture of fire brick at its plant in Hunker, Pennsylvania, which application was filed by virtue of the provisions contained in the second paragraph of Section 4-A of the Act; and

It further appearing, after considering the allegations made in the verified application of Westmoreland Brick Company, that applicant is a corporation, duly organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania; that applicant is a member of the Bituminous Coal Code; that applicant is the owner and producer of bituminous coal from a drift mine located at Hunker, Pennsylvania; that all of the bituminous coal produced at such mine is consumed by applicant in the manufacture of fire brick at its plant in Hunker, Pennsylvania;

Now, therefore, it is hereby ordered:

That the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 do apply to the Bituminous coal produced by Westmoreland Brick Company at its mine located at Hunker, Pennsylvania, which is consumed by Westmoreland Brick Company in the manufacture of fire brick at its plant in Hunker, Pennsylvania, and such coal shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937.

Within fifteen (15) days from the date of this Order all interested parties are afforded the opportunity of filing a protest to this determination requesting a hearing on the application and protest. If no such protest be filed, this Order shall become effective fifteen (15) days from this date.

Applicant shall apply annually hereafter, and at such other times as the Commission may require, for renewal of this Order, and applicant shall file such accompanying reports as will enable the Commission to determine whether the facts as found in this Order continue to exist.

The Secretary of the Commission is directed forthwith to mail a copy of this Order to the applicant, to the Consumers' Counsel, and the Secretary of each District Board; and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 17th day of October, 1938.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 38-3093; Filed, October 18, 1938;
12:51 p. m.]

[Docket 492-FD]

ORDER IN THE MATTER OF THE APPLICATION OF FREEPORT BRICK COMPANY, FOR EXEMPTION FROM THE PROVISIONS OF SECTION 4 OF THE BITUMINOUS COAL ACT OF 1937, FILED UNDER PROVISIONS CONTAINED IN THE SECOND PARAGRAPH OF SECTION 4-A OF THE ACT

At a regular session of the National Bituminous Coal Commission held at its offices in Washington, D. C., on the 17th day of October, 1938.

It appearing, that pursuant to the provisions of an Act of Congress approved April 26, 1937, entitled "An Act to regulate interstate commerce in bituminous coal and for other purposes" (Public No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, applicant, Freeport Brick Company, on the 16th day of June, 1937, forwarded to the Commission its application for exemption seeking to avail itself of the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 in so far as the same relates to the bituminous coal alleged to be produced and consumed by it, or produced and transported to itself for consumption by it, in the manufacture of brick at its plant near the Boro of Freeport, Armstrong County, Pennsylvania, which application was filed by virtue of the provisions contained in the second paragraph of Section 4-A of the Act; and

It further appearing, after considering the allegations made in the verified application of Freeport Brick Company, that applicant is a corporation, duly

organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania; that applicant is a member of the Bituminous Coal Code; that applicant is the owner and producer of bituminous coal from a mine located near the Boro of Freeport, Armstrong County, Pennsylvania; that all of the bituminous coal produced at such mine is consumed by applicant in the manufacture of brick at its plant near the Boro of Freeport, Armstrong County, Pennsylvania;

Now therefore, it is hereby ordered:

That the provisions of Section 4, Part II (1) of the Bituminous Coal Act of 1937 do apply to the bituminous coal produced by Freeport Brick Company at its mine located near the Boro of Freeport, Armstrong County, Pennsylvania, which is consumed by Freeport Brick Company in the manufacture of brick at its plant near the Boro of Freeport, Armstrong County, Pennsylvania, and such shall not be deemed subject to the provisions of Section 4 of the Bituminous Coal Act of 1937.

Within fifteen (15) days from the date of this Order all interested parties are afforded the opportunity of filing a protest to this determination requesting a hearing on the application and protest. If no such protest be filed, this Order shall become effective fifteen (15) days from this date.

Applicant shall apply annually hereafter, and at such other times as the Commission may require, for renewal of this Order, and applicant shall file such accompanying reports as will enable the Commission to determine whether the facts as found in this Order continue to exist.

The Secretary of the Commission is directed forthwith to mail a copy of this Order to the applicant, to the Consumers' Counsel, and the Secretary of each District Board; and shall cause a copy hereof to be filed and made available for inspection at each of the Statistical Bureaus of the Commission; and shall cause a copy hereof to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 17th day of October, 1938.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 38-3092; Filed, October 18, 1938;
12:50 p. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE EVAPORATED AND CONDENSED MILK INDUSTRY

NOTICE OF HEARING

The Public Contracts Board will hold a hearing in Room 3229, Department of Labor Building, Washington, D. C., at

10 A. M., Friday, October 23, 1938, to take testimony upon which findings of fact will be made to assist the Secretary of Labor in determining, pursuant to Section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U. S. C. Sup. III 35), the prevailing minimum wages in the Evaporated and Condensed Milk Industry.

There is enclosed herewith a copy of the report of the Women's Bureau, Department of Labor, entitled *Wages and Hours in Milk Condenseries in 1938*.¹ This report will be introduced at the hearing in this matter.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives, will be given to persons engaged in the above-named industry, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed but they should be received by the Board on or before the hearing date. Five copies of all briefs must be submitted. Employers appearing in person, or by representatives, or presenting briefs, should furnish the Board with the following essential data:

- (1) Name of firm.
- (2) Plant address.
- (3) Total number of employees in plant.
- (4) Number of male employees.
- (5) Number of female employees.
- (6) Classification of employees by occupations, including number engaged in each operation.
- (7) Hourly wages in each operation with designation of applicable time period.
- (8) If paid on piece work basis, weekly earnings in each class of employees.
- (9) Hours worked per week.

This outline of suggested data is not meant to exclude the submission of any other pertinent information which an employer may desire to submit.

Employees appearing at the hearing, either in person or by their representatives, or submitting briefs, should acquaint the Board with facts as to the wages now being paid in the industry.

Dated: October 14, 1938.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 38-3061; Filed, October 18, 1938;
10:03 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its

¹ The report was filed as a part of the original document with the Division of the FEDERAL REGISTER, The National Archives; requests for copies should be addressed to Division of Public Contracts, Department of Labor.

office in the City of Washington, D. C., on the 12th day of October, A. D. 1938.

[File No. 46-97]

IN THE MATTER OF THE MIDDLE WEST CORPORATION

[Corrected Order]

ORDER GRANTING EXEMPTION OF THE ACQUISITION OF SECURITIES

The Middle West Corporation, a registered holding company, having duly filed with this Commission an application and amendments thereto for an order exempting from the provisions of Section 9 (a) of said Act the acquisition by the applicant in the open market, from time to time, of not exceeding 20,000 shares of the preferred stock of Central Illinois Public Service Company;

A hearing on said application, as amended, having been held after appropriate notice,¹ the record in this matter having been examined, and the Commission having made and filed its findings herein:

It is ordered, That the acquisition by the applicant of not exceeding 20,000 shares of the \$6 cumulative preferred stock of Central Illinois Public Service Company be and the same hereby is exempted from the provisions of Section 9 (a) of said Act; and

It is further ordered, Pursuant to Section 9 (c) (3) of said Act, and as conditions to the foregoing order that:

(1) On or before the fifth day of each week while the order of the Commission in this case remains in effect, the applicant shall file with the Commission a report with respect to its purchases of preferred stock of Central Illinois during the preceding week. Each such report shall set out the date of each purchase, the number of shares purchased in each transaction, the prices paid therefor, the exchange on which purchased, and the name and address of the broker in each transaction;

(2) The order of the Commission shall be summarily revocable if at any time the Commission shall deem that the circumstances are such as to make further purchases no longer compatible with the public interest or the interest of investors and consumers. In any event, such order shall expire at the close of business on March 31, 1939;

(3) The applicant shall not, directly or indirectly, sell any shares of the preferred stock of Central Illinois during the time while the order in this case is effective or for a period of six months thereafter;

(4) All such purchases shall be made in compliance with the terms of the application filed with the Commission in this matter;

(5) Central Illinois Public Service Company shall, at the expense of The Middle West Corporation, and in the next regular communication which Central

Illinois Public Service Company makes to its preferred stockholders (which will normally be on the date the December 15, 1938 preferred dividend checks are mailed), enclose a letter stating that prior to June 15, 1937, The Middle West Corporation owned 1,520 shares of Central Illinois Public Service Company preferred stock; that on or about June 15, 1937, The Middle West Corporation was authorized by the Securities and Exchange Commission to purchase an additional 3,000 shares of such preferred stock from an affiliated company; that on June 30, 1937 The Middle West Corporation obtained authority from said Commission to purchase an additional 10,000 shares of such preferred stock on the open market; that on November 26, 1937 it obtained authority from said Commission to purchase an additional 10,000 shares of said preferred stock; that on October 12, 1938 The Middle West Corporation obtained an order from said Commission authorizing the purchase of an additional 20,000 shares of such preferred stock on the open market, but that such order was expressly conditioned upon the foregoing information being communicated to all preferred stockholders of Central Illinois Public Service Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[P. R. Doc. 38-3086; Filed, October 18, 1938;
12:49 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of October, A. D., 1938.

[File No. 1-2308]

IN THE MATTER OF BELMONT METALS CORPORATION COMMON CAPITAL STOCK, PAR VALUE 25 CENTS, NON-ASSESSABLE

SUSPENSION OR WITHDRAWAL OF REGISTRATION

I

It appearing to the Commission:

That Belmont Metals Corporation, a corporation, is the issuer of Common Capital Stock, Par Value 25 Cents, Non-Assessable; and

That said Belmont Metals Corporation registered such security on the San Francisco Mining Exchange, a national securities exchange, by filing on or about December 7, 1935, an application with the said Exchange and with the Commission, pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and pursuant to Rule X-12B-1, as amended, formerly designated as Rule JBI, promulgated by the Commission thereunder; and

That pursuant to Section 13 (a) of said Securities Exchange Act of 1934, as amended, and Rules X-13A-1 and X-13A-2, formerly designated as Rules KA1 and KA2, respectively, promulgated by the Commission thereunder, said Belmont Metals Corporation filed on or about May 11, 1936, and on or about May 3, 1937, its annual reports on Form 10-K for the respective fiscal years ended December 31, 1935, and December 31, 1936; and

That said Rule X-13A-1 promulgated pursuant to Section 13 (a) of said Securities Exchange Act of 1934, as amended, did and does require that an annual report for each issuer of a security registered on a national securities exchange shall be filed on the appropriate form prescribed therefor; and

That said Rule X-13A-2 promulgated pursuant to Section 13 (a) of said Securities Exchange Act of 1934, as amended, did and does prescribe Form 10-K as the annual report form to be used for the annual reports of all corporations except those for which another form is specified and that no other form was or is specified for use by the said Belmont Metals Corporation; and

II

The Commission having reason to believe:

That Belmont Metals Corporation has failed to comply with said Section 13 (a) and the Rules and Regulations promulgated thereunder in that it has failed to file the information and documents required by said Rule X-13A-1 adopted by the Commission pursuant to Section 13 (a), and has failed to file its annual report for the year ended December 31, 1937, on Form 10-K, as required by Rule X-13A-2 adopted by the Commission pursuant to said Section 13 (a); and

III

The Commission being of the opinion that pursuant to Section 19 (a) (2) of said Securities Exchange Act of 1934, as amended, a hearing should be held to determine whether said Belmont Metals Corporation has so failed to comply with said Section 13 (a) and said Rules and Regulations promulgated by the Commission thereunder, and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months or to withdraw the registration of said Common Capital Stock, Par Value 25 Cents, Non-Assessable, on said San Francisco Mining Exchange;

It is ordered, That a public hearing be held for such purpose before the officer of the Commission herein designated beginning on the 1st day of November, 1938, at 10:00 A. M., at the Regional Office of the Securities and Exchange Commission, 625 Market Street, San Francisco, California, and to continue thereafter at such times and places as said officer may determine; and

¹ 3 F. R. 929 DI.

It is further ordered, That for the purpose of such proceeding, John Clarkson, an officer of the Commission be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[P. R. Doc. 38-3089; Filed, October 18, 1938;
12:49 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1938.

[File No. 31-207]

*IN THE MATTER OF INTERNATIONAL HYDRO-
ELECTRIC SYSTEM*

NOTICE OF AND ORDER FOR HEARING

An application pursuant to sections 3 (a) (5) and 2 (a) (8) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party:

It is ordered, That a hearing on such matter be held on November 9, 1938, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be

admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 4, 1938.

The matter concerned herewith is in regard to the applicant's request for an order under Section 3 (a) (5) of the Public Utility Holding Company Act of 1935 exempting it from all provisions of said Act, and for an order under Section 2 (a) (8) of said Act declaring New England Power Association and Moreau Manufacturing Corporation not to be subsidiaries of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[P. R. Doc. 38-3087; Filed, October 18, 1938;
12:49 p. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 18th day of October, A. D. 1938.

[File No. 31-208]

*IN THE MATTER OF INTERNATIONAL PAPER
AND POWER COMPANY*

NOTICE OF AND ORDER FOR HEARING

An application pursuant to sections 3 (a) (5) and 2 (a) (8) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party:

It is ordered, That a hearing on such matter be held on November 9, 1938, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors

or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before November 4, 1938.

The matter concerned herewith is in regard to the applicant's request for an order under Section 3 (a) (5) of the Public Utility Holding Company Act of 1935 exempting it from all provisions of said Act, and for an order under Section 2 (a) (8) of said Act declaring New England Power Association and Moreau Manufacturing Corporation not to be subsidiaries of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[P. R. Doc. 38-3088; Filed, October 18, 1938;
12:49 p. m.]

**UNITED STATES CIVIL SERVICE
COMMISSION.**

**CONDITION OF THE APPORTIONMENT AT
CLOSE OF BUSINESS SATURDAY, OCTOBER
15, 1938**

Important.—Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts, and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico.....	581	39
2. Hawaii.....	139	15
3. California.....	2,127	763
4. Texas.....	2,192	880
5. Alaska.....	22	9
6. Louisiana.....	791	371
7. Michigan.....	1,822	860
8. Arizona.....	164	89
9. New Jersey.....	1,321	790
10. South Carolina.....	654	375
11. Ohio.....	2,501	1,484
12. Oklahoma.....	902	546
13. Arkansas.....	698	430
14. Alabama.....	996	614
15. Mississippi.....	796	469
16. New Mexico.....	169	101

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS—Continued		
17. North Carolina.....	1,193	783
18. Georgia.....	1,095	731
19. Kentucky.....	984	670
20. Wisconsin.....	1,106	841
21. Illinois.....	2,872	2,199
22. Tennessee.....	985	759
23. Connecticut.....	605	481
24. Nevada.....	34	29
25. Oregon.....	359	319
26. Indiana.....	1,219	1,007
27. Delaware.....	90	81
28. Florida.....	553	510
29. New York.....	4,737	4,439
30. Pennsylvania.....	3,625	3,430
31. Idaho.....	167	159
32. Utah.....	191	182
33. Wyoming.....	85	82
34. New Hampshire.....	175	172
35. Maine.....	300	246
36. West Virginia.....	651	645
37. Kansas.....	708	703

No. 204—2

State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1938
QUOTA FILLED			
38. Rhode Island.....	259	259	-1
IN EXCESS			
39. Colorado.....	390	392	+4
40. Washington.....	588	592	+31
41. Massachusetts.....	1,599	1,617	+18
42. Missouri.....	1,366	1,421	+17
43. Vermont.....	135	142	+1
44. Minnesota.....	963	1,031	+27
45. North Dakota.....	256	276	+24
46. Montana.....	202	227	+2
47. South Dakota.....	261	298	+9
48. Iowa.....	930	1,097	+11
49. Nebraska.....	519	631	+1
50. Virginia.....	911	1,009	+10
51. Maryland.....	614	1,845	+9
52. District of Columbia.....	183	8,746	+13

GAINS

By appointment.....	242
By reinstatement.....	1
By transfer.....	86
By correction.....	1
Total.....	250

LOSSES

By separation.....	105
By transfer.....	34
Total.....	139
Total Appointments.....	46,947

NOTE.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Section 2, Rule VII, and the Attorney General's opinion of Aug. 25, 1934, 14,249.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 38-3085; Filed, October 18, 1938;
10:45 a. m.]

